IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 8858 of 2007(D)

PETITIONER:

P.SHIJO, VELANPARAMBU, KONGORPILLY,
NORTH PARUR.

BY ADV. SRI.G.PRABHAKARAN
SRI.PRASAD CHANDRAN

RESPONDENTS:
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1. THE SECRETARY REGIONAL TRANSPORT AUTHORITY, ERNAKULAM.

2. THE REGIONAL TRANSPORT AUTHORITY, ERNAKULAM - REPRESENTED BY ITS SECRETARY.

***3. R. REGHUNATHAN, RENGA NIVAS, DIWANS ROAD, ERNAKULAM.**

***ADDL. R3 IS IMPLEADED AS PER ORDER DATED 27/03/2007 IN IA NO. 4611/2007.**

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007 ALONG WITH WPC NO. 11564 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 8858/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LAST TEMPORARY PERMIT DATED 17/2/2007 WHICH IS VALID UPTO 09/03/2007.

EXT.P2. COPY OF THE REGULAR PERMIT APPLICATION DT. 1/08/06.

EXT.P3. COPY OF THE CHALLAN DT. 3/08/06.

EXT.P4. COPY OF THE TEMPORARY PERMIT APPLICATION DT. 6/3/07.

EXT.P5. COPY OF THE CHALLAN DT. 6/3/07.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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ANTONY DOMINIC, J.

W.P.(C) 8858 & 11564 of 2007

Dated: December 11, 2007

JUDGMENT

W.P.(C) 11564/2007 concerns regular permit on the route Manjummal - Thevara Ferry, which expired on 26.10.2004 for non-replacement of the vehicle. Subsequently the petitioner had got the permit renewed on condition that he replaces the vehicle. Later on he filed Ext.P6 application for replacement and Ext.P4 application for temporary permit. Orders have not been passed on Exts.P4 and P6 and therefore WP(C) 11564/2007 is filed.

2. In so far as the petitioner in W.P.(C) 8858/2007 is concerned, when the permit obtained by the petitioner in WP(C) 11564/2007 expired, he was issued a temporary permit and while operating so, he submitted Ext.P2 application for regular permit and Ext.P4 application for temporary permit. Those applications are not considered and hence the writ petition.

3. As the petitioners in these two cases are raising claims for the same route occupied by the petitioner in WP(C) 11564/2007, it

is essential that the regular permit application and replacement be considered by the 2nd respondent, RTA, Ernakulam and the temporary permit applications by the 1st respondent in these cases.

4. Accordingly these writ petitions are disposed of directing that the 1st respondent shall consider Ext.P6 in WP(C) 11564/2007 and Ext.P2 in WP(C) 8858/2007. This shall be done as expeditiously as possible, at any rate, within ten weeks of receipt of a copy of this judgment. In the meanwhile the 2nd respondent will consider and pass orders on Ext.P4 in these two cases for temporary permit as expeditiously as possible, at any rate, within four weeks of production of a copy of this judgment.

The writ petitions are disposed of as above.

ANTONY DOMINIC, JUDGE

mt/-